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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,372	02/21/2002	Christian Kraft	367.41185X00	5016
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BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			EXAMINER PAPPAS, PETER	
			ART UNIT	PAPER NUMBER
			2671	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/078,372	KRAFT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Peter-Anthony Pappas	2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter ("...wherein the generating of the animation ... optimizes display resolution of the animation generated by the terminal") which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Therefore, it is noted that one skilled in the art, at the time of the applicant's invention, would have to perform undue experimentation to ascertain the criteria for defining an optimized display resolution. While the specification does disclose a "selection border" option for cutting or selecting the part of the animation that he wants to save (p. 6, lines 11-18) said language fails to disclose the criteria for defining an optimized display resolution.

### ***Claim Objections***

3. Claim 1, 8, 17 and 19 are objected to because of the following informalities: lack of antecedent basis for the limitation "the terminal". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 5, 8, 12, 15-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 5, 870, 683), in view of Kalra et al. (U.S. Patent No. 5, 953, 506).

6. In regards to claim 1 Wells et al. teaches a method for operating a wireless user terminal or mobile station (wireless handheld communication device), such as a cellular telephone (column 1, lines 52-67; column 2, lines 1-5), to selectively display a plurality of graphical information sequences (images which represent an animation) on a display of the wireless user terminal or mobile station (column 2, lines 13-25). Wells et al. teaches that the parameter *animation\_parameter* is able to be passed to a given animation at run-time, in which the content of said parameter influences (edits) the final animation which is to be generated. For example, text characters used in an animation can be passed to the animation in an *animation\_parameter* (column 5, lines 35-38; Figs. 3A-B). When refreshed a current animation scene or frame is replaced by a next consecutive frame or scene (column 4, lines 38-42). An animation is comprised of X number of discrete images displayed at intervals of Y ms, which are selectable or fixed values (column 9, lines 61-64). Well et al. further teaches that an alerting animation can include a predetermined audio alerting indicator, such as a musical tone (column 9, lines 40-42).

Wells et al. fails to explicitly teach the optimization of display resolution of the animation generated by the terminal (wireless handheld communication device). Kalra

et al. teaches that an object of the present invention to provide a method and apparatus for reproducing sounds and/or images with a resolution that is optimized to the capabilities of the client computer that is decoding previously encoded sounds and/or images (column 1, lines 66-67; column 2, lines 1-3). Kalra et al. further teaches that a profile can be further adapted to increase the resolution of certain characteristics, such as sound, at the expense of other characteristics, such as video (column 2, lines 46-49).

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate the teachings of Kalra et al. into the method taught by Wells et al., because through such incorporation it would allow for said animation to be displayed at a resolution optimized to the capabilities of said mobile station (client computer), thus displaying said animation under the best available conditions while also allowing for said user to increase the quality of said animation, i.e. visually, if they choose to sacrifice the quality for another property of said animation, i.e. such as said musical tone.

7. In regards to claim 5 the rationale disclosed in the rejection of claim 1 is incorporated herein (Kalra et al., column 1, lines 66-67; column 2, lines 1-3).

8. In regards to claim 8 the rationale disclosed in the rejection of claim 1 is incorporated herein.

9. In regards to claim 12 the rationale disclosed in the rejection of claim 5 is incorporated herein.

10. In regards to claims 15 the rationale disclosed in the rejection of claim 1 is incorporated herein (Wells et al., column 1, lines 52-67; column 2, lines 1-5).

11. In regards to claims 16 the rationale disclosed in the rejection of claim 1 is incorporated herein (Wells et al., column 1, lines 52-67; column 2, lines 1-5).

12. In regards to claim 19 the rationale disclosed in the rejection of claim 1 is incorporated herein. Wells et al. further teaches a computer program product stored on a storage medium for execution by a processor for implementing said method (column 3, lines 17-21, 43-59).

13. Claims 2, 6-7, 9, 12-14 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 5, 870, 683) and Kalra et al. (U.S. Patent No. 5, 953, 506), as applied to claims 1, 5, 8, 12, 15-16 and 19, in view of Hawkins et al. (U.S. Patent No. 6, 516, 202 B1), and further in view of the GIF Construction Set Professional Manual, referred to herein as GCSPM, and the GIF Construction Set Professional Homepage, referred to herein as GCSPH. It is noted GCSPM includes references to "Introductory and Tutorial" and "Reference", which are considered part of said GCSPM.

14. In regards to claim 2 Wells et al. fails to explicitly teach the number of times the display of the sequence of images is to be repeated is set by the user of a handheld communications device. Hawkins et al. teaches an organizer, which runs the Palm OS, with a cellular component that allows said organizer to be coupled to a plurality of telephones for different frequencies/standards (column 2, lines 19-38). GCSPM teaches an animation software application that has a loop command, which adds a "LOOP block" to a given animation. Said "LOOP block" has an iterations argument that

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defines the number of times said animation will loop (Reference, p. 34; Introductory Tutorial, p. 4).

It is well known to recognize the need for additional resources, such as processing power, memory storage and display area for cellular devices, because typical cellular devices are considered limited in terms of hardware to the extent in which animation modification, storage and display can be performed via such a device (official notice; see MPEP § 2144).

It is well known that a typical organizer, such as one running Palm OS, can provide more processing, storage and display resources than a typical cellular device, when considered at the time of the applicant's invention (official notice; see MPEP § 2144). Additionally, it is well known that a typical organizer, such as one running Palm OS, as taught by Hawkins et al., is designed to support a plethora of installed applications and files that mimic or completely replicate those typically utilized by conventional desktop machines.

Thus, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to utilize an organizer with a cellular component, as taught by Hawkins et al., as a means by which to attain said additional resources for the modification, storage and display of animation, because said organizer with a cellular component would provide both said additional resources and a cellular component allowing for all of the elements taught by Well et al. to be incorporated into an improved apparatus taught by Hawkins et al.

Furthermore, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate additional conventional animation functions into the apparatus as taught by Hawkins et al., in regards to modifying, storing and displaying animation, such as the additional conventional animation functions taught by GCSPM, because the limitations imposed by a typical cellular device utilizing animation functions, as taught by Well et al., would be overcome and thus allow for a more advanced and complete animation experience with the limitations previously imposed.

15. In regards to claim 6 Wells et al. and Kalra et al. fail to explicitly teach wherein the user controls the resizing of only one of the images and the handheld communication device automatically resizes the remaining images.

GCSPM teaches that part or all of a given animation sequence, comprised of images, can be rotated, cropped, color-adjusted or resized (Homepage, p. 3). The Resize function allows for the modification of the size of one or more images in a GIF file (animation). This function only affects the selected blocks in the current document window. To apply it to all the blocks in a GIF file, click on the green "Tag All" button (Reference, p. 15, 30-31). It is noted that cropping is considered a form of resizing. GCSPM fails to explicitly teach resizing the images into a display size being specific for an application in the handheld communication device in which the animation has to be used.

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to crop or resize images of a given animation, which when combined form a completed animation, respective to a desired display size for a given display device,



because through such modifications better resolution of a given area of interest could be achieved thus enhancing the view ability of said animation when displayed on said display device in which part of said animation would not off screen or otherwise incomplete.

16. In regards to claim 7 the rationale disclosed in the rejection of claim 6 is incorporated herein.

17. In regards to claim 9 the rationale disclosed in the rejection of claim 2 is incorporated herein.

18. In regards to claim 13 the rationale disclosed in the rejection of claim 6 is incorporated herein. GCSPH teaches that animation operations are performed in a (picture viewer) window (Homepage, p. 3, Fig. 1).

19. In regards to claim 14 the rationale disclosed in the rejection of claim 7 is incorporated herein. GCSPH teaches that animation operations are performed in a (picture viewer) window (Homepage, p. 3, Fig. 1).

20. In regards to claim 17 Wells et al. teaches a user interface includes a conventional earphone or speaker 17, a conventional microphone 19, a display 20, and a user input device, typically a keypad 22, all of which are coupled to the controller 18 (column 3, lines 25-28). In regards to the speeding up and the slowing down of an animation (interval between animation images) the rationale disclosed in the rejection of claim 1 is incorporated herein. Additionally, GCSPM teaches a delay option which is defined as the number of hundredths of a second between images in an animation

(Reference, p. 34). In regards to a loop setting the rationale disclosed in the rejection of claim 2 is incorporated herein.

In regards to resizing the rationale disclosed in the rejection of claim 6 is incorporated herein. It is noted GCSPM does not place a restrictions on the size of a given cropping rectangle (Reference, p. 15, 30-31). It is extremely well known to allow for cropping on a pixel by pixel basis, wherein even a single pixel, for instance, may be cropped, (official notice; see MPEP § 2144) and thus, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate the ability for single pixel cropping, because through such incorporation one would be able to achieve greater flexibility and precision in terms of editing (cropping) a given image to match a desired objective.

GCSPM teaches plain text blocks include text which is displayed as part of your animation (Reference, p. 20). It is noted that each text or image elements added to a given animation is considered a block and that the movement and final arrangement of said blocks dictate the direction of the animation composed of said elements. It is also noted previously taught functions from the GCSPM are considered to have a corresponding menu dialog in the application.

In regards to optimizing display resolution the rationale disclosed in the rejection of claim 1 is incorporated herein.

21. In regards to claims 18 the rationale disclosed in the rejection of claim 17 is incorporated herein (Wells et al., column 1, lines 52-67; column 2, lines 1-5).

22. Claims 3-4 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 5, 870, 683), Kalra et al. (U.S. Patent No. 5, 953, 506), Hawkins et al. (U.S. Patent No. 6, 516, 202 B1), GCSPM and GCSPH, as applied to claims 2, 6-7, 9, 12-14 and 17-18, in view of applicant's admitted prior art, referred to herein as AAPA.

23. In regards to claim 3 Wells et al., Kalra et al., Hawkins et al., GCSPM and GCPH fail to explicitly disclose that if said number of times the display of the sequence of images is to be repeated exceeds said predetermined number, the handheld communication device only repeat the display sequence said predetermined number of times. However, as disclosed in rejection of claim 2 GCSPM does teach an animation software application that has a loop command, which adds a "LOOP block" to a given animation. Said "LOOP block" has an iterations argument that defines the number of times said animation will loop (Reference, p. 34; Introductory Tutorial, p. 4). AAPA teaches a looping parameter specified by NETSCAPE 2.0, wherein a maximum 50 loops for a given animation are displayed (Specification, p. 8, Table 2).

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate a means by which to interrupt the repetition of play of a given animation, as taught by AAPA, into the system taught by Wells et al., Hawkins et al., GCSPM and GCPH, which teaches setting a number of times said animation will loop, because through such incorporation it would allow for greater control over said animation (i.e. when to terminate said animation) and said control would be dictated by the software running said animation and not by the animation itself, thus allowing for

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said animation to loop infinitely or a limited number of times, all without having to have the animation itself changed accordingly.

24. In regards to claim 4 Well et al. teaches the next time the user activates the Keyguard feature, the selected animation is automatically invoked, started and run by the controller 18 (column 8, lines 14-16).

25. In regards to claim 10 the rationale disclosed in the rejection of claim 3 is incorporated herein.

26. In regards to claim 11 the rationale disclosed in the rejection of claim 4 is incorporated herein.

### ***Response to Arguments***

27. In response to Applicant's remarks in regards to Wells et al. failing to teach optimizing the display resolution of the animation said remarks have been considered but are moot in view of the new ground(s) of rejection.

28. In response to Applicant's remarks that said GIF publications disclose software pertaining to an application which would not be considered by a person of ordinary skill in the art in modifying teachings pertaining to a wireless device to arrive at the subject matter of the claims since these publications address desktop computers or workstations which are designed in accordance with different display requirements it is noted that said software is not considered to be limited to being run solely on desktop computers or workstations. The respective cited novel aspects of said software are considered to be operable on such things as a laptop and various other wireless

handheld communication computers in addition to desktop computers or workstations, which all have their own display requirements.

29. In response to Applicant's remarks of impermissible hindsight in regards to Applicant's admitted prior art it is noted the feature of comparing the number of times the display of sequence of images (i.e. an animation) is to be repeated with a predetermined number and if the number of times the display of sequence of the images is to be repeated exceeds the predetermined number, the handheld communication device only repeats the display sequence the predetermine number of times it is noted the said features are considered a conventional and desired ones to one skilled in the art – that of conserving power on a portable device.

30. Applicant's remarks have been fully considered but are deemed not persuasive.

### ***Conclusion***

31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter-Anthony Pappas whose telephone number is 571-272-7646. The examiner can normally be reached on M-F 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter-Anthony Pappas  
Examiner  
Art Unit 2671

PAP

  
ULKA CHAUHAN  
SUPERVISORY PATENT EXAMINER